

# House Study Bill 575 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

## A BILL FOR

- 1 An Act relating to the failure to wear a motor vehicle
- 2 safety belt or safety harness or use a motor vehicle child
- 3 restraint system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.445, subsection 4, paragraph b, Code  
2 2011, is amended to read as follows:

3 ~~b. In a cause of action arising on or after July 1, 1986,~~  
4 ~~brought to recover damages arising out of the ownership or~~  
5 ~~operation of a motor vehicle, the failure to wear a safety~~  
6 ~~belt or safety harness in violation of this section shall not~~  
7 ~~may be considered evidence of comparative fault under section~~  
8 ~~668.3, subsection 1. However, except as provided in section~~  
9 ~~321.446, subsection 6, the failure to wear a safety belt or~~  
10 ~~safety harness in violation of this section may be admitted to~~  
11 ~~mitigate damages, but only under the following circumstances:~~  
12 ~~(1) Parties, provided that a party seeking to introduce~~  
13 ~~evidence of the failure to wear a safety belt or safety harness~~  
14 ~~in violation of this section must first introduce substantial~~  
15 ~~evidence that the failure to wear a safety belt or safety~~  
16 ~~harness contributed to the injury or injuries claimed by the~~  
17 ~~plaintiff.~~

18 ~~(2) If the evidence supports such a finding, the trier of~~  
19 ~~fact may find that the plaintiff's failure to wear a safety~~  
20 ~~belt or safety harness in violation of this section contributed~~  
21 ~~to the plaintiff's claimed injury or injuries, and may reduce~~  
22 ~~the amount of plaintiff's recovery by an amount not to exceed~~  
23 ~~five percent of the damages awarded after any reductions for~~  
24 ~~comparative fault.~~

25 Sec. 2. Section 321.446, subsection 6, Code 2011, is amended  
26 by striking the subsection.

27 EXPLANATION

28 Current law allows evidence of failure to wear a motor  
29 vehicle safety belt or safety harness as required by Code  
30 section 321.445, subsection 2, to be used to mitigate damages  
31 in a civil case upon a showing of substantial evidence that the  
32 failure to wear the safety belt or safety harness contributed  
33 to the injuries claimed. The bill eliminates the statutory  
34 5 percent limitation on the reduction in damages awarded to  
35 plaintiffs who fail to wear a safety belt or safety harness

1 and allows the jury to determine the appropriate reduction in  
2 damages for failure to wear a seat belt or safety harness upon  
3 consideration of all of the facts in the case.

4     Current law provides that evidence of a failure to use a  
5 child restraint system, safety belts, or safety harnesses  
6 as required by Code section 321.446, subsection 6, does  
7 not constitute negligence nor is such evidence admissible  
8 in a civil action. The bill eliminates the prohibition on  
9 introducing such evidence. A child restraint system is a  
10 specially designed seating system, including a belt-positioning  
11 seat or a booster seat, that meets federal motor vehicle safety  
12 standards.